IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15664 of 2004

Between:

Smt. M. Nirmala W/o M. Ananda Rao
Chinna Yerasala Village, Porumamilla Nandal, Cuddapah District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Porumamilla Mandal, Cuddapah District
2 The Revenue Divisional Officer, Rajampet, Cuddapah District
3 The Joint Collector, Cuddapah district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned proceedings Ref. No. D/881/2004 dated 21-8-2004 suspending the authorisation Fair Price shop dealer ship of the petitioner Chinna Yerasala Village is as arbitrary, illegal and violation of Article 14 and 21 of the Constitution of India and also in violation of principles of natural justice and consequently set-aside the same

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondents: GOVT.PLEADER FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader.

Petitioner is a Fair Price shop dealer of Chinna Yerasala village, Porumamilla Mandal, Kadapa District. Her authorisation has been suspended by the second respondent-Revenue Divisional Officer by proceedings dated 21-08-2004 pending enquiry into the alleged irregularities in distribution of the commodities which is under challenge in this writ petition.

Admittedly, the petitioner has already preferred an appeal against the impugned order of suspension before the first respondent-Joint Collector, Kadapa District, along with an application for stay. However, the petitioner states that the first respondent failed to consider his appeal and no orders have been passed even on her application so far and in the meanwhile, she is not allowed to distribute the commodities.

Though the learned counsel for the petitioner raised various contentions assailing the impugned order, since the statutory appeal is pending on the file of the first respondent-Joint Collector, Kadapa, I am not inclined to express any opinion on merits of the case. Instead I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay filed by the petitioner in the appeal against the order of suspension dated 21-08-2004 as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Keeping in view the specific plea of the petitioner that so far no alternative arrangements have been made for distribution of the essential commodities to the cardholders for the month of September, 2004, there shall be a direction to the respondents not to make any alternative arrangements till the application for stay is disposed of.

Writ petition is accordingly disposed of. No costs.

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01-09-2004

klp

To

1 The Mandal Revenue Officer, Porumamilla Mandal, Cuddapah District
2 The Revenue Divisional Officer, Rajampet, Cuddapah District
3 The Joint Collector, Cuddapah district

4 2CCs to G.P. for Civil Supplies, High Court buildings,

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